

U.S. Patent Application Serial No. **10/822,860**
Response filed October 1, 2007
Reply to OA dated May 17, 2007

REMARKS

Claims 1-14 are pending in this application, with claims 6-12 withdrawn from consideration. In the proposed amendment, claims 1, 2, 4, 5 and 7-12 have been canceled without prejudice or disclaimer, and claims 3 and 6 have been amended. Upon entry of this amendment, claims 3, 6, 13 and 14 will be pending, with claim 6 withdrawn from consideration.

The applicant respectfully submits that no new matter has been added.

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Kretschmar et al. (Genes & Development, 1999, 13:804-816, IDS item), in further view of Souchelnytokyi et al. (US Patent 6,103,869), and further in view of Harlow and Lane (Antibodies, a Laboratory Manual, Cold Spring Harbor Laboratory Press, 1988, p. 93-94 and p. 142, previously cited). (Office Action paragraph no. 9)

The rejection is moot in view of the cancellation of claims 1, 2, 4 and 5 without prejudice or disclaimer.

Claims 3, 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (Office action paragraph no. 10)

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Claim 3 has been amended to be in independent form, incorporating the limitation of canceled claim 2. Applicant submits that no new matter is added by this amendment. Claims 3, 13 and 14, as amended, are therefore independent of the other claims.

Regarding Telephone Interview with Examiner Reddig on October 1, 2007

Applicant's agent, Daniel Geselowitz, telephoned Examiner Reddig on October 1, 2007. Applicant's agent asked Examiner Reddig if, upon cancellation of the rejected claims and amendment of the withdrawn claims that are currently dependent from any of claims 1 to 3, to depend only from allowed claim 3, these claims would be allowable. The Examiner indicated that this might be possible for claim 6, and that he would review this when the Response was received, and would contact Applicant's agent, if necessary, to further discuss this claim.

Applicant has therefore amended withdrawn claim 6 to depend only from claim 3, and respectfully requests rejoinder and allowance of this claim in view of the allowability of claim 3.

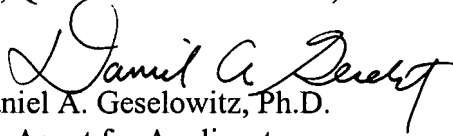
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosure: Petition for Extension of Time

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